REMARKS

In the Official Action, the Examiner has rejected claims 1 and 4 to 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,675,507 to Bobo II ("Bobo") in view of Visible Decision's Discovery for Developers ("VDDD"). The Examiner is alleging that the Applicant's invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the combined teachings of these references. Applicant respectfully submits that the Examiner's objection to the claims in view of the cited references is inappropriate for the reasons set forth below.

According to one aspect of the Applicant's invention as defined by independent claim 1, Applicant provides a communications system comprising a network and a plurality of applications connected to the network. Each of the applications handles a different type of communication and stores information concerning incoming communications directed to users of the communications system. At least one computer is connected to the network and receives incoming communications information from selected applications. The at least one computer includes a display and a processor executing a view application. The view application processes the incoming communications information and generates a three-dimensional representation thereof for presentation on the display. The three-dimensional representation is a graphical representation including first, second and third generally orthogonal axes. The first axis denotes different types of incoming communications, the second axis denotes numbers of incoming communications and the third axis denotes categories of incoming communications within the different types of incoming communications. Objects representing different types and categories of incoming communications appear on the graphical representation. By providing a view application that displays incoming communications in such a

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graphical manner, a user is able to determine at a glance (i.e. quickly and effectively) how many of each different type of incoming communication the user has received.

In contrast, Bobo discloses a message storage and delivery system (MSDS) connected to a plurality of phone lines that receives facsimile messages, voice messages and data messages. Received messages are stored in memory and are also converted into appropriate hyper-text mark-up language (HTML) files. The MSDS notifies users by email each time messages are received for the users. Users are able to connect to the MSDS via an Internet connection and either download or preview received messages stored in the memory. When a user access the MSDS to download or preview received messages, the user is presented with one or more HTML anchors. Each anchor is linked to a *list* of messages associated with a different type of communication.

VDDD discloses a generic framework for constructing three-dimensional information visualizations for the world of business including retailers to enable marketing managers to use graphical representations to gain a better understanding of customers' buying habits; and traders to enable market trends and risk analyses to be visualized. No specific applications of three-dimensional information visualizations are disclosed.

At the onset, Applicant respectfully submits that there is no possibility of combining the cited references without the benefit of hindsight analyses to arrive at the Applicant's invention as claimed. The Supreme Court has frequently warned against the use of "hindsight" in determining obviousness (see for example Diamond Rubber Co. v. Consolidated Rubber Tire Co., 220 U.S. 428 (1911)). In re Mahurkar Patent Litigation (1993) 831 F. Supp. 1354, 28 U.S. PQ 2d 180 (N.D. ILL. 1993.), Judge Easterbrook noted that "decomposing an invention into its

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constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden ex post analysis".

The Examiner is clearly using the present invention, as claimed, as a template in order to piece together the teachings of the prior art to render the claims obvious. It is impermissible to use the disclosure of the present invention as a "road map" for selecting and combining prior art disclosures. As stated in In re Wesslau 353 F. 2d 238,147 U.S. PQ 391 (CCPA 1965), the Court of Customs and Patent Appeals cautioned that "it is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art".

Bobo teaches the display of anchors in the form of HTML links linked to *individual lists* of different types of communications. HTML is a text listing protocol that **does not have graphical facility**. If a scintilla of graphical capability was envisioned by Bobo, existing protocols with embedded graphical capacity, such as VRML, or programmability, such as Java, would be disclosed by Bobo. The absence of any such reference by Bobo clearly demonstrates that Bobo did not consider nor was Bobo concerned with the three-dimensional display of communications information. Bobo is concerned with the display of individual lists of different communications with each list being linked to an HTML anchor. To allege that one of ordinary skill in the art would modify Bobo as suggested by VDDD is clearly contrary to well established law as stated above. Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not combine Bobo and VDDD to arrive at the Applicant's invention as alleged by the Examiner.

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Even if one of ordinary skill in the art were to combine Bobo and VDDD as alleged by the Examiner, one of ordinary skill in the art still would not arrive at the Applicant's invention as claimed. Bobo teaches to display individual lists of different types of communications with each list being linked to an HTML anchor. VDDD teaches three-dimensional information visualization but fails to teach or suggest a three-dimensional view application for displaying incoming communications on a graphical representation including three orthogonal axes, with the first axis denoting different types of incoming communications, the second axis denoting numbers of incoming communications and the third axis denoting categories of incoming communications within the different types of incoming communications, objects representing different types and categories of incoming communications appearing on the graphical representation. VDDD in no way contemplates the use of such a graphical representation in a communication system to display incoming communication information. In view of the above, Applicant respectfully submits that the Examiner's objection to independent claim 1 in view of the cited prior art references should be removed. Since claims 4 to 14 are dependent either directly or indirectly on independent claim 1, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed.

Independent claims 15, 16 and 20 recite subject matter similar to that recited in independent claim 1 and are believed to distinguish patentably over the cited prior art for the same reasons set forth above. Since claims 17 to 19 are dependent either directly or indirectly on independent claim 16, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed. Since claims 21 to 24 are dependent either directly or indirectly on independent claim 20, which is deemed allowable, Applicant respectfully submits that these claims should also be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Respectfully submitted,
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